

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

D&N GARAGE, INC. *et al.*,

Plaintiffs,

Case No. 21-cv-10440
Hon. Matthew F. Leitman

v.

OGEMAW COUNTY BOARD
OF COMMISSIONERS, *et al.*,

Defendants.

/

ORDER GRANTING IN PART AND DENYING IN PART
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT (ECF No. 86)

Now before the Court is a motion for summary judgment by Defendants Brian Gilbert, Sr., Brian Gilbert, Jr., Justin Noffsinger, Mike O'Dell, Dalton Worthy, Robert Weishuhn, Howard Hanft, and Leigh David. (*See* Mot., ECF No. 86.) The Court held a hearing on the motion on October 17, 2024. During the hearing, the Court individually addressed and separately announced and explained its ruling on all of the remaining claims.

For all of the reasons stated on the record during the hearing, **IT IS HEREBY ORDERED** as follows. The motion is **DENIED** to the extent it seeks summary judgment against Leigh David on the claim for First Amendment retaliation by Plaintiffs Trista Smith-Spencer and D&N Garage, Inc. The motion for summary

judgment is **GRANTED** in all other respects. Thus, the only claim that remains for trial is the First Amendment retaliation claim by Trista Smith-Spencer and D&N Garage, Inc. against Defendant David.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: October 17, 2024

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 17, 2024, by electronic means and/or ordinary mail.

s/Holly A. Ryan

Case Manager

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